

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-221442 **DATE:** January 7, 1986
MATTER OF: Acoman Industries, Inc.

DIGEST:

Contracting agency properly rejected protester's late bid sent by commercial carrier 5 days prior to bid opening. Exception under standard solicitation clause and pertinent procurement regulation, which permits consideration of a late bid sent by "registered or certified mail" not later than 5 days prior to bid opening, is not applicable to hand-carried bids delivered by commercial carrier.

Acoman Industries, Inc. (Acoman), protests the refusal by the General Services Administration to consider its late bid submitted in response to solicitation No. 7PF-52748/T4/7SB. Acoman states that its bid was delivered by United Parcel Service 24 hours after bid opening, but argues that its bid was sent 5 days prior to bid opening and, therefore, it should be considered for award.

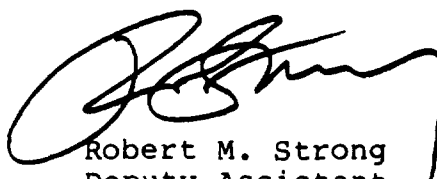
We dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1985), without obtaining an agency report because on its face the protest is without merit.

The standard solicitation clause and pertinent procurement regulation, 48 C.F.R. § 14.304-1(a) (1984), permit the consideration of a late bid if the bid "was sent by registered or certified mail not later than 5 calendar days before the bid receipt date." However, these provisions apply only to late-mailed or telegraphic bids. See 48 C.F.R. § 14.304-1(a), supra. A bid sent by a commercial carrier such as United Parcel Service is considered to be a hand-carried bid and does not fall within the exception for "registered or certified mail," which refers to that service as offered by the United States or Canadian Postal Service. See Military Base Management, Inc., B-215649.2, Sept. 10, 1984, 84-2 C.P.D. ¶ 275; see Moore's Cafeteria Services, Inc., B-205943, Jan. 12, 1982, 82-1 C.P.D. ¶ 29.

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Since Acoman's bid was sent by commercial carrier rather than by "registered or certified mail," acceptance of Acoman's late bid would not be proper under these provisions. While we have permitted the consideration of a late hand-carried bid where it was shown that some wrongful action by the government was the paramount cause for the late delivery and that consideration of the late bid would not compromise the integrity of the competitive procurement system, see Military Base Management, Inc., B-215649.2, supra, Acoman does not allege such circumstances exist here.

We dismiss the protest.



Robert M. Strong
Deputy Assistant
General Counsel